

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8973 of 2026

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Raj Kumar Paswan, Son of Jeewachh Paswan, Resident of village and Post-
Pandaul, Police Station- Pandaul, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Superintendent of Police, Madhubani.
4. The Deputy Collector, Land Reforms, Sadar, Madhubani.
5. The Sub Divisional Officer, Sadar, Madhubani.
6. The Circle Officer, Pandaul, District- Madhubani.
7. Most. Samundari Devi, wife of Late Banarasi Paswan, resident of village- Pandaul Chhota Asthan, Anchal and P.S.- Pandaul, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Respondent/s : Mr. Standing Counsel (04)

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CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL ORDER

2 29-06-2026 Heard the parties.

2. The writ application has been preferred by the petitioner for a direction to the respondent authorities to remove the encroachment made by the private respondent upon the land of the petitioner having Khata No. 3626, Khesra no. 2249(old)/3619(New) measuring an area of 04 decimal at Mauza- Pandaul, Anchal and Police Station- Pandaul, District Madhubani with an additional prayer for a direction to the respondent to restore the peaceful possession over the disputed land which has been settled in his favour in Settlement Parcha Case No. 14 of 2013-14 by an order dated 12.01.2014.

3. From the submissions made on behalf of the petitioner and the documents brought on record in the writ application, it appears that there is dispute between two private persons which is not a subject matter of writ jurisdiction, because under writ jurisdiction, the Court can only go by the undisputed facts in order to decide the claim/relief(s) prayed for on behalf of the petitioner. Disputed question of facts cannot be adjudicated between two private persons, which is simply beyond the writ Court jurisdiction.

4. Learned counsel for the petitioner further points out that by Annexure P-4 appended to the writ application, the District Magistrate-cum-Collector, Madhubani has passed an order dated 18.02.2025 in Basgit Parcha Appeal No. 55 of 2024 allowing the appeal of the petitioner, thereby affirming the Basgit Parcha issued in favour of the petitioner.

5. Learned counsel for the State, at this stage, submits that the writ application is not maintainable on account of the disputed question of facts raised on behalf of the petitioner which cannot be decided here at this stage, because deciding and adjudicating the right of the persons concerned requires evidence and examination of witnesses which can only be done by the Court of competent jurisdiction.

6. The petitioner's claim cannot be decided here in the writ jurisdiction on account of dispute being totally of private nature between two private persons. Though, certain orders may have been passed by the District Authority in favour of the petitioner, but that does not entitle him to avail the writ jurisdiction to get the order passed against the private respondent.

7. The proper remedy available to him is that of approaching the Court of competent civil jurisdiction to get his rights, title and possession over the disputed land decided by adducing evidence on behalf of the rival parties and having appreciated the same and examining the witnesses on record, the competent Court of civil jurisdiction may pass order/judgment/decreed finally adjudicating the right, title and possession of the petitioner.

8. With this observation, this writ application is disposed of with liberty to the petitioner to approach the proper Court of competent jurisdiction to get his disputes with the private respondent settled through proper court proceedings.

(Rana Vikram Singh, J)

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Supratim-

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